

DOCKET NO.: 203222US6PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Itaru KAWAKAMI, et al.

SERIAL NUMBER: 09/647,378

FILED: September 28, 2000

FOR: INFORMATION PROCESSING APPARATUS AND METHOD, AND
PROGRAM STORAGE MEDIUM

RESPONSE TO NOTICE OF MISSING REQUIREMENT UNDER 35 U.S.C. 371

RECEIVED

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

MAR 29 2001

Technology Center 2100

SIR:

Responsive to the notification of a Defective Oath or Declaration dated **November 6, 2000**, Applicants submit herewith a corrected Declaration executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

The required fee has been previously paid.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$-1,390.00- is attached hereto. If any variance exists between the amount enclosed, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Registration No. 34,423

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647378	KAWAKAMI	KOIK-T0185
INTERNATIONAL APPLICATION NO.		
PCT/JP00/00904		
I.A. FILING DATE	PRIORITY DATE	
17 FEB 00		
DATE MAILED: 06 NOV 2000		

CHARLES P SAMMUT
LIMBACH & LIMBACH
2001 FERRY BUILDING
SSAN FRANCISCO, CA 94111 4262

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION *(New Oath/Declaration)*

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action. *36-01 WPS*

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

[Signature]
Charita A. Burt, Patent Agent
Telephone: 703-305-3734

FORM PCT/DO/EO/917 (September 1996)

RECEIVED
FEB 14 2001

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

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FEB 1 2001

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, P.A.
UNITED STATES OF AMERICA

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

203224568

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647378	KAWAKAMI	
CHARLES P SAMMUT LIMBACH & LIMBACH 2001 FERRY BUILDING SSAN FRANCISCO, CA 94111 4262	RECEIVED NOV 09 2000 LIMBACH & LIMBACH L.L.P.	KOIK-T0185 INTERNATIONAL APPLICATION NO. PCT/JP00/00904 I.A. FILING DATE 17 FEB 00 PRIORITY DATE DATE MAILED: 06 NOV 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
- ☒ a Designated Office (37 CFR 1.494),
 - ☐ an Elected Office (37 CFR 1.495):
 - ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
 - ☒ Translation of the international application into English.
 - ☒ Oath or Declaration of inventors(s) for DO/EO/US.
 - ☒ Copy of Article 19 amendments.
 - ☒ Translation of Article 19 amendments into English.
 - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Preliminary amendment(s) filed _____ and _____
 - ☒ Information Disclosure Statement(s) filed 28 SEP 00 and _____
 - ☐ Assignment document.
 - ☐ Power of Attorney and/or Change of Address.
 - ☐ Substitute specification filed _____
 - ☐ Verified Statement Claiming Small Entity Status.
 - ☒ Priority Document.
 - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
 - ☐ Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:
☒ PCT/DO/EO/917
☐ PTO-875
☐ Notice of Defective Translation
FORM PCT/DO/EO/905 (December 1997)

Charita A. Bug, Paralegal
Telephone: 703-305-3734